

REMARKS

This is in response to the Office Action mailed on April 27, 2004, and the references cited therewith.

Claims 1, 18, and 30 are amended, with support being found in FIGS. 4, 5, and 6 of the present application and their accompanying description. No claims are cancelled or added. As a result, claims 1 – 32 remain pending in this application.

Objections to the Specification

The disclosure was objected to because of an informality. Applicant has amended the disclosure to overcome this objection. Accordingly, Applicant respectfully requests that this objection be withdrawn.

§102 Rejection of the Claims

Claims 1-15, 17-27, 29, 30 and 32 were rejected under 35 U.S.C. § 102(e) for anticipation by Lu (U.S. Patent No. 6,654,639). Applicant respectfully traverses.

As an initial note, Applicant does not admit that Lu is prior art and reserves the right to swear behind it at a later date as provided under 37 C.F.R. § 1.131. Nevertheless, Applicant believes that these claims are distinct over Lu for the reasons stated below.

Applicant can find no disclosure, teaching, or suggestion in the cited portions of Lu of classifying the detected arrhythmia according at least to a sequence in which a heart contraction depolarization is received at the electrodes during the arrhythmia, as presently recited or incorporated in these claims. In fact, Lu expressly teaches away from this, instead using:

an intrinsic chamber activation sequence and associated interchamber time delays, preferably automatically *detected during a period of time when a pathologic tachycardia is not present*, to treat a pathologic tachycardia *should it occur*.

(Lu at column 2, lines 6 – 10 (emphasis added).) Because Lu apparently does not disclose—and actually teaches away from—all claimed elements, no *prima facie* case of anticipation presently exists with respect to these claims. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

§103 Rejection of the Claims

Claims 16, 28 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu (U.S. Patent No. 6,654,639) in view of Adams (U.S. Patent No. 5,425,749). Applicant respectfully traverses.

Applicant can find no disclosure, teaching, or suggestion in the cited portions of Lu and/or Adams of classifying the detected arrhythmia according at least to a sequence in which a heart contraction depolarization is received at the electrodes during the arrhythmia, as presently recited or incorporated in these claims. In fact, as discussed above, Lu expressly teaches away from this, instead using:

an intrinsic chamber activation sequence and associated interchamber time delays, preferably automatically *detected during a period of time when a pathologic tachycardia is not present*, to treat a pathologic tachycardia *should it occur*.

(Lu at column 2, lines 6 – 10 (emphasis added).) Because Lu and/or Adams do not disclose—and actually teach away from—all claimed elements, no *prima facie* case of obviousness presently exists with respect to these claims. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JULIO C. SPINELLI ET AL.

By their Representatives,

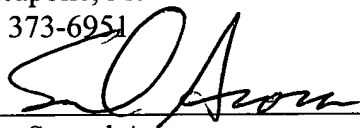
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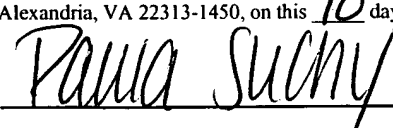
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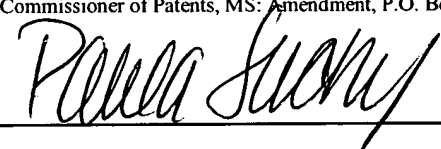
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of June, 2004.



Name



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